

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Courts
Southern District of Texas
FILED

JUL 20 2020

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA,
Plaintiff,

VS.

JORGE JUAN TORRES LOPEZ,

Defendants,

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§

NO. 2:13-CR-01075-2

PETITION OF MONTGOMERY COUNTY, TEXAS, et al.
FOR ADJUDICATION OF INTEREST IN PROPERTY
53 South Wind Drive, Montgomery, Texas, 77356

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Montgomery County, Texas, Montgomery County Hospital District, Montgomery Independent School District, and Montgomery County Emergency Services District 2, ("Taxing Authorities"), Petitioners, and pursuant to 21 USC § 853(n) respectfully shows the Court the following:

1. The real property which is the subject of this action is described in the Government's

Agreed Preliminary Order of Forfeiture (filed June 17, 2020) and identified as follows:

The real property, including all improvements and appurtenances, located at 53 South Wind Drive, Montgomery, Texas 77356, with a legal description of:

Lot Twenty-one (21), Block One (1), of Brentwater, Section Nineteen (19), a subdivision situated in the Owen Shannon Survey, A-36, and the Richard S. Willis Survey, A-262, Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet F, Sheet 115-B through 116-B of the map records of Montgomery County, Texas.

2. Petitioners are taxing units as defined by TEX. PROP. TAX CODE ANN. §1.04(12), and as such, levied ad valorem taxes for the current year. (*See* Exhibit 1, Tax Statements).

3. Taxing Authorities are political subdivisions of the State of Texas authorized to levy and collect ad valorem taxes on the subject property. Any offsets and credits existing against the amounts due will be allowed.

4. Section 32.01 of the Texas Property Tax Code creates a lien which perfects on January 1 of each tax year to the benefit of the Taxing Authorities to secure payment of *all* tax, penalty and interest imposed on the property. Those liens constitute valid, good faith interest in the subject property which are superior to all interest claimed by the owner and user of the property by virtue of TEX. PROP. TAX CODE ANN. §32.05.

5. Taxing Authorities interests in the subject property are not subject to forfeiture to the United States by reason of an act or omission of the property's owner or the Defendant because (1) the Taxing Authorities had no knowledge that the subject property was or would be involved in any violation of the law, (2) the Taxing Authorities had no knowledge of the particular violation which subjected the property to seizure and forfeiture, and (3) the Taxing Authorities had no knowledge that the user of the property had any record for violating laws of the United States or of any State for a related crime.

6. Taxing Authorities have taken all reasonable steps to prevent the illegal use of the subject property given its position as a unit of local government claiming statutory liens on the property.

WHEREFORE, PREMISES CONSIDERED, Taxing Authorities pray that the Court

- a. recognize the continued existence of and validity of the tax liens securing payment of the taxes, penalties and interest assessed by Taxing Authorities on the subject property;
- b. order that taxes, penalties and interest owing to the Taxing Authorities be paid from the proceeds of the sale after the expenses of preservation of the sale and prior to distribution to any other claimant; and
- c. for all further relief to which Taxing Authorities may be entitled.

Respectfully Submitted,

ATTORNEY FOR TAXING AUTHORITIES

By: 

DOUGLAS STEVEN BIRD
TX State Bar No. 02331330
Southern Admission No. 343883
LORI GRUVER
State Bar No. 24007283
Southern Admission No. 22963
LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP
P.O. Box 17428
Austin, Texas 78760
(512) 447-6675 (Telephone)
(512) 693-0728 (Facsimile)

STATE OF TEXAS

§
§
§

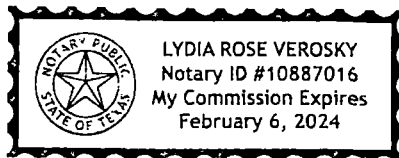
COUNTY OF TRAVIS

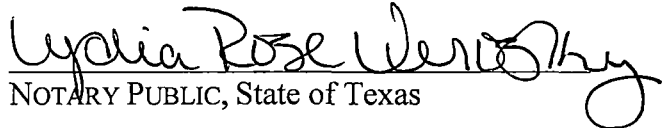
BEFORE ME, the undersigned authority on this day personally appeared Douglas Steven Bird, who being first duly sworn on oath deposed and said that he is the attorney for the Taxing Authorities as a partner in the law firm of Linebarger Goggan Blair & Sampson, LLP, and as such is authorized to make the foregoing petition on their behalf by virtue of a contract between the law firm and the Taxing Authorities for Collection of delinquent ad valorem taxes made pursuant to TEX. PROP. TAX CODE ANN. §6.30(c), that he has read the foregoing petition, has personal knowledge of each of the allegations set forth therein, and that each of those allegations is true and correct.



Douglas Steven Bird

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Douglas Steven Bird, this the 15th day of July, 2020, to certify which witness my hand and seal of office.






NOTARY PUBLIC, State of Texas

CERTIFICATE OF NON-CONFERENCE

I hereby certify that I did not confer with the US Attorney prior to filing the Petition herein. The Taxing Authorities are not opposed to the United States forfeiture of the subject property. Pursuant to 21 USC §853(n) they simply request that their lien be preserved and satisfied from the proceeds of any sale.



Douglas Steven Bird

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was hand delivered or mailed, U.S. Mail, postage paid, to the following counsel, and by electronic transmission to all parties on the court's electronic mailing matrix 15th day of July, 2020.

Julie K. Hampton
U.S. Attorney's Office
800 N. Shoreline Blvd
Ste. 500
Corpus Christi, TX 78401

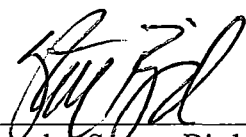
Jon Muschenheim
U.S. Attorney's Office
800 N. Shoreline Blvd.
Ste. 500
Corpus Christi, TX 78401

Lance Andrew Watt
U.S. Attorney's Office
800 N. Shoreline Blvd.
Ste. 500
Corpus Christi, TX 78401

Carlos A. Solis
Hilley and Solis, PLLC
6423 W. Interstate 10 Ste. 503
San Antonio, TX 78201

Derek B. Hilley
Hilley and Solis, PLLC
6423 W. Interstate 10 Ste. 503
San Antonio, TX 78201

Thomas J. McHugh
106 S. St. Mary's St.
Ste.260
San Antonio, TX 78205



Douglas Steven Bird

DELINQUENT TAX STATEMENT SUMMARY



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823
(936) 539-7897, (281)354-5511 X 7897

United States Courts
Southern District of Texas
FILED

JUL 21 2020

Mail To:

TOYA LLC
18 S WIND DR
MONTGOMERY, TX 77356-8231

Legal Description:

BENTWATER 19, BLOCK 1, LOT 21

David J. Bradley, Clerk of Court

Account No: 00.2615.19.02100

2019 Value: \$40,410
Appr. Dist. No.: R213043

Legal Acres: .0000

Parcel Address:

As of Date: 04/02/2020

Print Date: 04/02/2020 Printed By: JMCRAE

Year	Tax Units	Remaining Levy	IF PAID BY April 30, 2020		IF PAID BY June 1, 2020		IF PAID BY June 30, 2020	
			Penalty Interest	Total	Penalty Interest	Total	Penalty Interest	Total
2014	1 2 203 802	\$803.83	\$884.22	\$1,688.05	\$893.85	\$1,697.68	\$903.52	\$1,707.35
2015	1 2 203 802	\$803.22	\$767.88	\$1,571.10	\$777.50	\$1,580.72	\$787.17	\$1,590.39
2016	1 2 203 802	\$809.49	\$657.29	\$1,466.78	\$667.01	\$1,476.50	\$676.74	\$1,486.23
2017	1 2 203 802	\$809.45	\$540.71	\$1,350.16	\$550.42	\$1,359.87	\$560.14	\$1,369.59
2018	1 2 203 802	\$806.83	\$422.78	\$1,229.61	\$432.46	\$1,239.29	\$442.15	\$1,248.98
2019	1 2 203 802	\$773.40	\$85.08	\$858.48	\$100.54	\$873.94	\$116.00	\$889.40

TOTAL AMOUNT DUE:

\$8,164.18

\$8,228.00

\$8,291.94

Tax Unit Codes:

1 MONTGOMERY COUNTY 2 MONTGOMERY CO HOSPITAL DIST 203 MONTGOMERY ISD 802 MONTGOMERY CO ESD 2

IF PAYING BY CREDIT CARD USE BUREAU CODE 7898505. THERE WILL BE A NOMINAL FEE CHARGED FOR THIS SERVICE.

IF THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE TAX COLLECTOR FOR THE MONTGOMERY COUNTY TAX OFFICE REGARDING A RIGHT YOU MAY HAVE TO ENTER INTO AN INSTALLMENT AGREEMENT DIRECTLY WITH THE TAX COLLECTOR FOR THE MONTGOMERY COUNTY TAX OFFICE FOR THE PAYMENT OF THESE TAXES.

THE TAXES ON THIS PROPERTY ARE DELINQUENT. THE PROPERTY IS SUBJECT TO A LIEN FOR THE DELINQUENT TAXES. IF THE DELINQUENT TAXES ARE NOT PAID, THE LIEN MAY BE FORECLOSED.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT

Print Date: 04/02/2020

Appr. Dist. No.: R213043

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE PAYABLE TO:

MONTGOMERY COUNTY TAX OFFICE
TAMMY J. MCRAE
400 N San Jacinto
CONROE, TX 77301-2823
(936) 539-7897, (281)354-5511 X 7897



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00.2615.19.02100

EXHIBIT 1

Page 1 of 1

TOYA LLC
18 S WIND DR
MONTGOMERY, TX 77356-8231

If Paid By	Amount Due
April 30, 2020	\$8,164.18
June 1, 2020	\$8,228.00
June 30, 2020	\$8,291.94
Amount Paid:	\$

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

United States Courts
Southern District of Texas
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JUL 20 2020

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA,
Plaintiff,

VS.

JORGE JUAN TORRES LOPEZ,

Defendants,

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NO. 2:13-CR-01075-2

ORDER FOR ADJUDICATION OF INTEREST IN PROPERTY
53 South Wind Drive, Montgomery, Texas, 77536

On this day, came on to be considered the Petition of Montgomery County, Texas, Montgomery County Hospital District, Montgomery Independent School District, and Montgomery County Emergency Services District 2 ("Taxing Authorities"), for adjudication of interest in property. The Court is of the opinion that the Petition states sufficient facts to support the Taxing Authorities interest in the property as a valid interest not subject to forfeiture.

It is therefore, ORDERED that the interest of Montgomery County, Texas, Montgomery County Hospital District, Montgomery Independent School District, and Montgomery County Emergency Services District 2 in the property located at 53 South Wind Drive, Montgomery, Texas 77536 is valid and the Government shall pay the ad valorem taxes, penalty and interest assessed on the property through the date of a final order of forfeiture together with interest as allowed by law.

Judge

Date

U.S. Attorney's Office
800 N. Shoreline Blvd.
Ste. 500
Corpus Christi, TX 78401

Carlos A. Solis
Hilley and Solis, PLLC
6423 W. Interstate 10 Ste. 503
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6423 W. Interstate 10 Ste. 503
San Antonio, TX 78201

Thomas J. McHugh
106 S. St. Mary's St.
Ste.260
San Antonio, TX 78205

07/15/2020

US POSTAGE \$001.40

ZIP 78746
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LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
ATTORNEYS AT LAW
P.O. BOX 17428
AUSTIN, TEXAS 78760

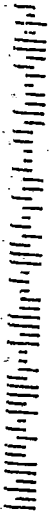
TO:

Clerk of Court
1133 N. Shoreline Blvd.
Corpus Christi, TX 78401

United States Courts
Southern District of Texas
FILED

JUL 20 2020

David J. Bradley, Clerk of Court



LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
P.O. BOX 17428
AUSTIN, TEXAS 78760

512/447-6675
FAX 512/693-0728

Douglas Steven Bird
Email: Steve.Bird@lgbs.com

July 15, 2020

United States Courts
Southern District of Texas
FILED

JUL 20 2020

David J. Bradley, Clerk of Court

Clerk of Court
1133 N. Shoreline Blvd.
Corpus Christi, TX 78401

RE: Cause No. 2:13-cr-01075; *United States of America, v. Jorge Juan Torres Lopez*

Dear Clerk:

Enclosed for filing please find the following in the referenced cause of action:

- **Petition of Montgomery County, Texas et al., for Adjudication of Interest in Property at 53 South Wind Drive, Montgomery, Texas, 77356;**

Thank you for your attention to this matter. If I can be of further service to you, please call me.

Sincerely,



Douglas Steven Bird
Attorney at Law

SB/lrv

cc: Julie K. Hampton
U.S. Attorney's Office
800 N. Shoreline Blvd
Ste. 500
Corpus Christi, TX 78401

Jon Muschenheim
U.S. Attorney's Office
800 N. Shoreline Blvd.
Ste. 500
Corpus Christi, TX 78401

Lance Andrew Watt